

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
 v.) Criminal Action No.
) 11-00263-02-CR-W-BCW
ERNESTO IBARRA,)
)
Defendant.)

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on September 17, 2014. Defendant Ibarra appeared in person and with appointed counsel Mark Thomason. The United States of America appeared by Assistant United States Attorney Patrick Edwards and Alison Dunning.

I. BACKGROUND

On October 19, 2011, an indictment was returned charging Defendant with one count of conspiracy to distribute and possess with the intent to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A) and 846; and one count of distribution and possession with the intent to distribute methamphetamine, in violation of 21 U.S.C. 841(a)(1), (b)(1)(A). The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Edwards announced that he and Ms. Dunning will be the trial counsel for the government. The case agent to be seated at counsel table is Detective Dan Curby, Jackson County Drug Task Force.

Mr. Thomason announced that he will be the trial counsel for Defendant.

III. OUTSTANDING MOTIONS

Defendant's motion in limine (Doc. No. 140) remains pending.

IV. TRIAL WITNESSES

Mr. Edwards announced that the government intends to call 7 witnesses with stipulations during the trial.

Mr. Thomason announced that Defendant does not intend to call any witnesses during the trial. Defendant may testify.

V. TRIAL EXHIBITS

Mr. Edwards announced that the government will offer approximately 40 exhibits in evidence during the trial.

Mr. Thomason announced that Defendant will offer approximately 13 exhibits in evidence during the trial.

VI. DEFENSES

Mr. Thomason announced that Defendant will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Mr. Thomason stated this case is definitely for trial.

VIII. STIPULATIONS

Stipulations are likely as to chain of custody and chemist's reports.

IX. TRIAL TIME

Counsel were in agreement that this case will take 3 days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed March 9, 2012, counsel for each party file and serve a list of exhibits he or she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by or before September 17, 2014;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, September 24, 2014;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions¹ by or before noon, Wednesday, September 24, 2014. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

¹Counsel in all cases assigned to be tried before Judge Fernando Gaitan, Jr., as reflected in the trial letter, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn_shawver@mow.uscourts.gov and rhonda_enss@mow.uscourts.gov by September 26, 2014. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his or her preference on those instructions. The instructions shall be listed in the order they are to be given.

XI. UNUSUAL QUESTIONS OF LAW

There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on September 29, 2014. The parties seek the first week of the docket.

The government will need a Spanish interpreter for two witnesses who will be called back-to-back early in the case.

/s/ Robert E. Larsen
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
September 17, 2014

cc: Mr. Kevin Lyon